
Appeal Decision

Site visit made on 16 June 2015

by Geoffrey Hill BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 July 2015

Appeal Ref: APP/F1230/W/15/3006611

Land to the SE of Millennium Field, Dorchester Road, Bradford Peverell DT2 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs K Elkins against the decision of West Dorset District Council.
 - The application Ref WD/D/14/001191, dated 7 May 2014, was refused by notice dated 9 March 2015.
 - The development proposed is described as "erection of 17 dwellings (eight affordable and nine open market dwellings. The affordable units will comprise four low cost homes for sale, two shared ownership and two social rented dwellings".
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Preliminary Matters

1. As noted at Part A of the Planning Appeal Form, the names of the persons making the appeal must be the same as those on the original planning application form. The application was made in the name of Mr & Mrs K Elkins, and I have accordingly so noted the names of the appellants in the details set out above.
2. No site address was given on the planning application form, but the address given above is shown on the Statement supporting the application. A similar version of the site address was used on the Council's Decision Notice. So that the details in this Appeal Decision correspond with the application details on the Planning Register I have used the address shown on the application Statement.
3. The description of development is not the same as that given on the original planning application. The description of development given above is the revised description put forward by the applicant's agent by letter of 30 October 2014, and agreed by the local planning authority.
4. The application is for outline planning permission with all matters reserved for subsequent consideration. A plan was submitted with the application showing a layout of development on the site, but I regard that plan as being for illustrative purposes only.
5. Reasons for Refusal Nos. 2 and 4 relate to the lack of any mechanism to manage the release and re-sale of the offered affordable housing, and to the arrangements for revising the extent of the 30mph speed limit boundary in the

vicinity of the site. Those concerns have now been included in a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990. Reason for Refusal No.3 related to the lack of a mechanism to secure contributions to necessary off-site infrastructure and services. These concerns can now be covered by the Community Infrastructure Levy. Accordingly, the Council does not now seek to maintain Reasons for Refusal 2-4 inclusive, and it is not necessary for me to address these concerns in detail in this Appeal Decision. However, I comment on the submitted Unilateral Undertaking below.

Decision

6. The appeal is dismissed

Main Issue

7. The main issue in this appeal is whether the proposed development can be regarded as sustainable development, having regard to the setting of the site in the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

8. Paragraph 47 of National Planning Policy Framework (NPPF) requires a local authority to "boost significantly the supply of housing" and to identify sites sufficient to supply 5 years worth of housing against their housing requirements. Paragraph 49 of NPPF says that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites. The Committee Report acknowledges the Council can demonstrate only a 3.1 year land supply. In which case, paragraph 14 of NPPF requires that planning permission should be granted without delay unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. I note that in the written representation from an interested person it is claimed that there is now a 5-year land supply, but this is not corroborated by reference to a Strategic Housing Market Assessment, or similar document.¹
9. The primary concern here is that the site is beyond the limits of the village at present, in countryside which is part of the AONB. Paragraph 115 of NPPF advises that 'great weight' should be given to conserving the landscape and scenic beauty of an AONB. Paragraph 116 advises that planning permission should be refused for major developments in an AONB - but this advice does not necessarily preclude all new built development. Indeed, the Management Plan for the AONB recognises that additional housing can be acceptable if it contributes to sustaining local communities.²
10. I note that Policy SA1 of the West Dorset Local Plan (WDLP) seeks to resist all development which would fail to conserve the quality of the landscape of the AONB. Similar concerns are covered by Policy SA3. Having regard to the relevant sections of the NPPF, a strict interpretation of Policies SA1 and SA3 could be seen to be contrary to the government's policy of acknowledging that some development could take place in the AONB, subject to a balance of matters relating to the degree of harm to the landscape and other considerations of sustainable development where there is no five-year housing

¹ See Planning Practice Guidance ID3: *Housing and Economic Land Availability Assessment*

² Cited at paragraph 7.65 of the Statement supporting the planning application.

land supply. Nevertheless, such considerations do not wholly override the need to have particular regard to safeguarding the quality of protected landscapes in an AONB.

11. The appellants have pointed to the Environmental Impact Assessment screening directive which states that "the scheme is not likely to give rise to significant environmental effect". The screening directive is a desk-based assessment and has been arrived at without seeing the site and its surroundings. The conclusions of the assessment are simply a broad and generalised view that the scheme is unlikely to give rise to a significant environmental effect, but that is not to say there would be no unacceptable effects. The screening directive cannot be definitive, on its own, in the determination of this appeal and all relevant factors have to be taken into consideration.
12. The site is within the Dorchester Downs character area where the characteristics are a downland landscape, undulating chalk slopes and small, broad valleys. I saw that the landscape around the southern side of Bradford Peverell comfortably falls within that landscape character. The landscape hereabouts is not devoid of built development; Bradford Peverell village has seemingly expanded in the latter part of the 20th century southwards, spilling over the crest in the landscape at Frome View, in a narrow ribbon of housing down to, and including, Giles Close. There are other elements of built development at Giles Cross, and on the road leading south-east from Giles Cross. New Barn Field Centre is a notable feature standing on high ground to the west of the appeal site.
13. I acknowledge that housing on the appeal site could be screened to some degree; partly by retaining the existing roadside hedge (as far as would be compatible with the living conditions for occupants of the proposed new housing), and also by additional planting. However, it is unlikely that the housing could be entirely screened from view. I saw that the ribbon of housing running north-west of the appeal site and into the main body of the village is very visible in the views across this area, notably from the higher land to the south-east as one approaches from Dorchester.
14. Although the proposed housing would sit lower in the landscape than the present ribbon of development, it would be readily noticeable in this small-scale landscape setting. Housing on the appeal site would extend and consolidate the ribbon of development further into this open countryside. I consider this would erode, and notably detract from, the character of the landscape in this vicinity. Consequently, the scheme would be contrary to the objectives of WLDP Policy DA3 and Policy ENV10 i) of the emerging West Dorset, Weymouth and Portland Draft Local.
15. I note that the local planning authority sees Bradford Peverell as a sustainable location for development. However, a contrary view is taken by the parish council. This is probably a matter best resolved through a discussion at a local plan examination but, on the evidence before me in this appeal and taking into account what I saw at my site visit, I find it hard to recognise Bradford Peverell as an appropriate (ie sustainable) location for new development in terms of what that means in the NPPF; there are no shops, a school or services of substance in the village other than a church and village hall. There is a bus service, but this runs only a few times per day. Moreover, the village

is approached by narrow roads, some only single carriageway width in places, and with a notable absence of footways. That is, there is little social or economic support for people who do not have access to a car, access to many day-to-day needs and jobs is likely to require the use of a car for many, and people walking or cycling on the village lanes are not particularly well protected against the risk of an accident.

16. Information provided in support of the application shows that there is a shortage of affordable housing in West Dorset, with a 2013 survey in Bradford Peverell identifying a housing need for 21 households in the village. The Council argues that other housing schemes across the District are making provision for affordable housing, but it does not demonstrate how the particular need in Bradford Peverell is to be met. Furthermore, neither does the Council identify when, where and in which locations, the significant shortfall in its 5-year housing land supply is likely to be addressed.
17. The Council acknowledges that the scheme could have economic benefits in that the construction phase would create jobs, albeit in the short term. It is possible that additional population could bring some economic support for businesses (such as they are) in the village. Socially, the scheme would have the obvious benefit of addressing the identified housing need, and particularly for affordable housing in this village. These are valid considerations which have to be weighed in the balance of the matters in dispute in this appeal.
18. Drawing the above points together, I find that there is a significant shortfall in housing land supply in West Dorset and it has not been demonstrated that this can be made up quickly, or that it would not involve developing land elsewhere which is also in the AONB. However, the proposed development would be quite visible and, by extending and consolidating the long ribbon of development which spills over from the village core into this essentially rural setting, it would harm the special landscape quality of the AONB. On balance, I consider the proposed scheme would not represent sustainable development in the terms discussed in NPPF.

Section 106 Planning Obligation and Planning Conditions

19. The appellants have submitted a Unilateral Undertaking prepared under Section 106 of the Town and Country Planning Act 1990. The undertaking includes provision for the release, and subsequent control over the sale, of the affordable housing element of the scheme, and a contribution towards the works necessary to reposition the 30mph speed limit boundary in the vicinity of the site.
20. The Council has indicated that the terms of the undertaking do not guarantee the delivery of the affordable housing units, in that it would be possible to build some of the market units first and then fail to complete the remainder of the scheme. Even if the scheme had been acceptable on all other grounds, this lack of certainty over the delivery of the affordable units would have placed a serious question over the overall sustainability credentials of the scheme. Furthermore, there is a degree of uncertainty over what might be regarded as the "Community Infrastructure Contribution" noted in the undertaking. The view of the Council is that such payments would not now be expected with the introduction of Community Infrastructure Levy and this part of the undertaking is otiose.

21. I acknowledge that it may have been possible to revise the terms of the offered undertaking, and such revisions could have addressed the concerns raised by the Council. Should the appeal have been successful and having regard to paragraph 204 of NPPF, I consider that the undertaking – albeit in a revised form - could have met the requisite tests of being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. However, whether an acceptable formulation for the undertaking could have been submitted or not, it would not have overcome the objections to the proposed development, as discussed above.
22. The Council put forward a list of suggested planning conditions which could have been attached to a planning permission in the event of the appeal being allowed. Whilst the suggested conditions can be seen to be addressing legitimate matters, they would not overcome the fundamental concern that the proposed scheme cannot be regarded as sustainable development.

Conclusion

23. The scheme would introduce new built development in to the AONB, which would cause harm. Although there would be some benefits in allowing development to go ahead (accepting the possibility that the affordable housing element could have been guaranteed through a revised planning obligation), even allowing for the acknowledged shortfall in the 5-year housing land supply I consider the adverse effects of the proposed scheme would significantly and demonstrably outweigh the benefits. Accordingly, the appeal should be dismissed.

Geoffrey Hill

INSPECTOR